

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STEEL WORKERS, AFL-CIO-
CLC, et al.,

Plaintiffs,

v.

NO. 1 CONTRACTING CO. AND ALVIN
ROMAN,

Defendants.

No. 3:06-cv-0698

(JUDGE CAPUTO)

(MAGISTRATE JUDGE MANNION)

MEMORANDUM ORDER

Upon review of Magistrate Judge Mannion's Report and Recommendation (Doc. 52) for plain error or manifest injustice, this Court adopts his recommendation that Plaintiff United Steel Workers' motion for summary judgment be granted. Plaintiff's motion seeks to impose personal liability on Defendant Alvin Roman for the consent judgment entered by this Court against Defendant No. 1 Contracting Corporation and in favor of all Plaintiffs on June 10, 2008 (Doc. 46) to the extent the judgment awards one hundred and sixteen thousand dollars (\$116,000) for unremitted union dues deducted from employee wages for the years 2005 and 2006. Because the Court grants this motion, it enters judgment against Defendant Roman, holding him jointly and severally liable with Defendant No. 1 Contracting Corporation for the sum of one hundred and sixteen thousand dollars (\$116,000). Plaintiff also requests two thousand, five hundred (\$2,500) dollars in attorney's fees incurred bringing the motion, but provides no substantiation of this sum or motion for attorney's fees. See Fed. R. Civ. P. 54(d)(2)(A) (claims for attorney's fees shall be made by motion unless the governing substantive law provides for their recovery as an element of damages to be proved at trial).

The Court, therefore, does not award that sum at this time.

NOW this 6th day of March, 2009, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 52) is **ADOPTED**.
- (2) Plaintiff United Steel Workers' Motion for Summary Judgment (Doc. 47) is **GRANTED**.
- (3) **JUDGMENT IS ENTERED** against Defendant Alvin Roman and in favor of Plaintiff United Steel Workers in the sum of one hundred and sixteen thousand dollars (\$116,000), reflecting joint and several liability with No. 1 Contracting Corporation for the judgment entered against it by this Court on June 10, 2006 (Doc. 46) for the value of unremitted union dues deducted from employee wages in the years 2005 and 2006.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge